

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default of the for the following defendants in the Rito de Tierra Amarilla subsection of Section 7:

| | |
|----------------------|--------------------------------|
| Rose M. Romero | CHTA-003-0018 |
| Paul Trachtman | CHTA-003-0048 |
| Benjamin R. Trujillo | CHTA-003-0049 CHTA-004-0025 |
| Joe E. Silva | CHTA-004-0027A |
| Vicki Silva | CHTA-004-0027A |
| Cecil Cox | CHTA-004-0030 |

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-named defendants was entered on December 12, 2004 (Docket No. 7680).

2. The above-named defendants have recently contacted the State to discuss the State's offer concerning their water rights in Section 7. They have signed the State's proposed Consent Order and forwarded the approved order to the State, or have requested that the State send them an additional copy of the proposed order to review.

3. Good cause exists to set aside the entry of default with respect to the defendants named above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for defendants Rose M. Romero, Paul Trachtman, Benjamin R. Trujillo, Joe E. Silva, Vicki Silva and Cecil Cox .

DATED: April 8, 2005

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I hereby certify that copies of the above Motion to Set Aside Entry of Default were mailed to following persons on April 11, 2005.

/s/ Ed Newville
Edward G. Newville

RIO CHAMA SECTION 7 SERVICE LIST

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager.
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

Bradley S. Bridgewater, Esq.
David W. Gehlert, Esq.
USDOJ-ENRD
999 18th St., Suite 945

Denver, CO 80202

John W. Utton, Esq.
Sheehan, Sheehan & Stelzner PA
P.O. Box 271
Albuquerque, NM 87103-0271

Paula Garcia
NM Acequia Association
607 Cerrillos Road, Suite F
Santa Fe, NM 87505

Benjamin Philips, Esq.
John F. McCarthy, Jr., Esq.
Rebecca Dempsey, Esq.
White, Koch, Kelly & McCarthy PA
P.O. Box 787
Santa Fe, NM 87504-0787

Lester K. Taylor, Esq.
Susan G. Jordan, Esq.
Nordhaus, Haltom, Taylor, Taradash
& Bladh, LLP
405 Dr. Martin Luther King Ave NE
Albuquerque, NM 87102-3541

Tessa T. Davidson, Esq.
The Davidson Law Firm
P.O. Box 2240
Corrales, NM 87048

Marcus J. Rael, Jr. Esq.
500 4th Street NW, Suite 200
Albuquerque, NM 87102

Pierre Levy, Esq.
Law Offices of Daniel J. O’Friel Ltd.
P.O. Box 2084
Santa Fe, NM 87504-2084

John P. Hays, Esq.
Cassutt, Hays, & Friedman PA
530-B Harkle Road
Santa Fe, NM 87505

Daniel Cleavinger, Esq.
P.O. Box 2470
Farmington, NM 87499

Ted J. Trujillo, Esq.
P.O. Box 2185
Española, NM 87532-2185

Karen L. Townsend, P.C.
120 East Chaco
Aztec, NM 87410

NM Acequia Commission
Fred Vigil, Chairman
Depart. of Finance & Admin.
Local Government Division
Bataan Memorial Building
Santa Fe, NM 87503

Martin E. Threet, Esq.
Martin E. Threet and Associates
6605 Uptown Blvd. NE Suite 280
Albuquerque, NM 87110

Kurt J. Van Deren
Hatch, Allen & Shepherd PA
PO Box 94750
Albuquerque, NM 87199-4750

Gary S. Friedman
Cassutt, Hays & Friedman, P.A.
530-B Harkle Road
Santa Fe, NM 87505

Peter B. Shoenfeld
P.O. Box 2421
Santa Fe, NM 87504-2421

Ernest L. Padilla, Esq.
Padilla Law Firm, P.A.
P.O. Box 2523
Santa Fe, NM 87504-2523

Jeffrey H. Albright, Esq.
Cynthia A. Loehr, Esq.
Lewis and Roca Jontz Dawe, LLP
201 Third Street NW, Suite 1950
Albuquerque, NM 87103-1027